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November 24, 2020

Via CM/ECF

Honorable Philip M. Halpern, U.S.D.J.  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: 1) Campbell v. Plant Health Intermediate, Inc.  
Case No.: 19-cv-03017 (PMH) (“Action No. 1”)

2) Plant Health Intermediate, Inc. v. Campbell, et al.  
Case No.: 7:20-cv-07249(PMH) (“Action No. 2”)

Dear Judge Halpern:

We represent Plaintiff Nicole Campbell (“Plaintiff”) in Action No. 1 and defendants Rupert Campbell (“Rupert”) and Clare Reinbergen (“Clare” and with Rupert, “Defendants”) in Action No. 2. Pursuant to Rule 1(C) of Your Honor’s Individual Rules of Practice, the parties are jointly requesting a 60-day extension of existing discovery deadlines in Action No. 1 and an adjournment of the pre-motion conference in Action No. 2 presently scheduled for December 1, 2020, at 11:30 a.m.

Following the court’s direction on August 20 that the parties engage in mediation in Action No. 1,<sup>1</sup> the parties proceeded to agree on the choice of a mediator. Thereafter, the parties both submitted materials to the mediator. After the mediator received the parties’ materials, he resigned his role without explanation. The parties promptly engaged a second mediator, Charles Moxley, Jr. The parties submitted initial statements and materials to Mr. Moxley. After Mr. Moxley reviewed all the materials, he conducted a series of ex parte and joint conferences with the parties over the past several weeks. The parties have committed to mutual exchanges of information and a robust schedule for additional mediation sessions that will proceed in December.

In furtherance of the process, the parties have agreed, subject to the Court’s approval, to hold remaining discovery in abeyance while proceeding with our efforts in mediation. Likewise, the parties agree that it would be appropriate to postpone the pre-motion conference presently scheduled for December 1 in Action No. 2 to a date in early January.

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<sup>1</sup> Although mediation has not been ordered in Action No. 2, it is a closely related action and the issues in Action No. 2 are encompassed in the issues being mediated in Action No. 1.

Hon. Philip M. Halpern, U.S.D.J.

November 24, 2020

Page 2

The parties are proposing the following new dates for the completion of discovery in Action No. 1:

- 1) Fact discovery shall be completed by February 22, 2021;
- 2) Non-expert depositions shall be completed by February 8, 2021;
- 3) All expert discovery shall be completed by April 23, 2021;
- 4) Plaintiff's expert disclosures shall be made by March 5, 2021;
- 5) Defendant's expert disclosures shall be made by March 5, 2021;
- 6) Rebuttal expert reports shall be exchanged by April 5, 2021; and
- 7) All discovery shall be completed by April 23, 2021.

We thank Your Honor for your time and consideration.

Respectfully,

*Fred D. Weinstein*

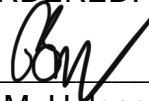
Fred D. Weinstein

cc: John Power, Esq. (via CM/ECF)

Joseph P. Wodarski, Esq. (via CM/ECF)

Application granted. The pre-motion conference scheduled for December 1, 2020 in case number 20-7249 is adjourned until January 13, 2021 at 9:15 a.m. At the time of the scheduled conference all parties shall call (888) 398-2342; access code: 3456831. Regarding the requested extensions of discovery deadlines in case number 19-3017, the parties shall submit a new Civil Case Discovery Plan and Scheduling Order with the agreed-upon dates for the Court to so order.

SO ORDERED.



Philip M. Halpern, U.S.D.J.

Dated: New York, NY

November 25, 2020